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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,608	11/12/2004	Leif Nilsson	SZAC.P0101US	7839
58342 7590 03/04/2009 WARREN A. SKLAR (SOER) RENNER, OTTO, BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE 19TH FLOOR CLEVELAND, OH 44115				
EXAMINER KUMAR, SRILAKSHMI K				
ART UNIT 2629		PAPER NUMBER		
MAIL DATE 03/04/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/509,608

**Applicant(s)**

NILSSON ET AL

**Examiner**

SRILAKSHMI K. KUMAR

**Art Unit**

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 is/are allowed.
- 6) ☒ Claim(s) 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### DETAILED ACTION

The following office action is in response to the amendment filed on December 3, 2008. Claims 1-16, and 20 are pending. Claims 3 and 20 are currently amended.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace et al (US 6,621,483), in view of Applicant's Admitted Prior Art (AAPA) and further, in view of Bower (US PG-Pub 2002/0072915).

With reference to claim 20, Wallace et al. teaches an electronic device (1) for navigating (see column 2, lines 46-65) comprising a movable member (1) for navigating is controlled by applying a finger (6) of a user to the member (1); characterized in that navigating by removing the finger from the member (1) and re-applying it to the movable physical member within a set time limit (see abstract; column 5, lines 6-33); where the movable member includes a sensor, where the sensor being electrically connected to a timer configured to count when the finger is removed and stop counting when the finger is re-applied (item 9, col. 4, line 60-col. 5, line 47).

Wallace fails to teach a hierarchically organized menu system in the electronic device.

Applicant's admitted prior art (hereinafter AAPA) on page 1, lines 22-25 of the specification teach where it is well known in the art for hierarchically structured menu system is commonly known in electronic devices, such as computers, mobile telephones, PDAs (Personal Digital

Assistant), etc, further, on page 1, lines 35-page 2, line 10, AAPA teaches where a joystick is employed in the method of navigating in a hierarchically organized menu system. It would have been obvious to one of ordinary skill in the art to include the hierarchically organized menu system in the electronic device of Wallace et al as the electronic device of Wallace et al is a computer (col. 1, lines 47-48) and where it is common to employ the menu system in a computer based electronic devices (AAPA, page 1, lines 22-25).

While Wallace as modified by AAPA teaches removing the finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit (Wallace, col. 5, lines 6-35); Wallace as modified by AAPA fails to teach *navigating in a backwards direction* by removing the finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit. Bower teaches on page 4, paragraph 0043, using an input device, whereby solely removing the finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit (shown by the double click) navigates backwards (move back to the previous hyperlink or to other logical steps on the page). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of navigating backwards as taught by Bower into Wallace as modified by AAPA as the backwards navigation enable users to return to previous links (Bower, page 4, paragraph 0043).

***Allowable Subject Matter***

3. Claims 1-16 are allowed.
4. The following is an examiner's statement of reasons for allowance:

With respect to claim 1, the prior art of record do not teach a method of navigating in a hierarchically organized menu system of an electronic device comprising; applying a finger of a user to a movable physical member; and navigating in a backwards direction in the hierarchically organized menu system by removing the finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit without regard to the length of time that the finger is applied immediately preceding the removing and re-applying of the finger.

With respect to claim 3, the prior art of record do not teach an electronic device comprising; a movable physical member including a sensor, said sensor being electrically connected to a timer configured to start counting when the finger is removed from the user surface of the movable physical member and to stop counting when the finger is re-applied to the user surface of the movable physical member, wherein said electronic device is configured to performed a step backwards in a hierarchy of commands in the hierarchically organized menu system of the timer counting is below a set limit following said sensing means detecting that a finger is re-applied to the user surface without regard to the length of time that the finger is applied immediately preceding the removing and re-applying of the finger.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

With respect to dependent claims 2, 4-16, these claims are allowed as they depend upon an allowed base claim.

***Response to Arguments***

5. Applicant's arguments filed December 3, 2008 have been fully considered but they are not persuasive.

With respect to applicant's arguments in regards to claims 1-16, these arguments are persuasive, thus claims are allowable over the prior art. Applicant is directed to the reasons for allowance, above.

With respect to applicant's arguments of where the prior art does not teach carrying out navigation in a backwards direction in a hierarchy of commands by "solely" removing a finger from and reapplying said finger to a user surface of a movable physical member within a set time limit, examiner respectfully disagrees. Wallace et al teaches in col. 5, lines 6-35, where removing the finger from the surface starts counting and counting is stopped when the finger is reapplied. However, Wallace does not teach a hierarchic menu. This feature is taught by AAPA on page 1, lines 22-25 of the specification teach where it is well known in the art for hierarchically structured menu system is commonly known in electronic devices, such as computers, mobile telephones, PDAs (Personal Digital Assistant), etc, further, on page 1, lines 35-page 2, line 10, AAPA teaches where a joystick is employed in the method of navigating in a hierarchically organized menu system. The combination of Wallace and AAPA do not teach navigating backwards, however, the prior art of Bower et al teach on page 4, paragraph 0043, using an input device, whereby solely removing the finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit (shown by the double click) navigates backwards (move back to the previous hyperlink or to other logical steps on the page). Further, the limitations of removing the finger and reapplying the finger, are

broadly interpreted to teach a “double-clicking” feature. A double clicking feature is defined as applying the finger, removing the finger and re-applying the finger. This is taught by Wallace and Bower as shown above. Therefore, the rejection of Claim 20 is maintained and made FINAL.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SRILAKSHMI K. KUMAR whose telephone number is (571)272-7769. The examiner can normally be reached on 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Sue Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Srilakshmi K Kumar/  
Examiner  
Art Unit 2629

SKK  
March 1, 2009